

Docket Item #4
BZA CASE #2007-0023

Board of Zoning Appeals
September 13, 2007

ADDRESS: 100 EAST OAK STREET
ZONE: R-2-5, RESIDENTIAL
APPLICANT: KELLY AND DANIEL ORGANEK, OWNERS

ISSUE: Variance to enlarge an existing covered open front porch in the required front yard facing Wayne Street and reduce the vision clearance triangle.

CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED VARIANCE
3-506(A)(1)	Front Yard (Wayne St)	25.00 ft	8.40 ft	16.60 ft
7-800(A)	Vision Clearance	100 ft	66.00 ft	34.00 ft

BOARD OF ZONING APPEALS ACTION OF SEPTEMBER 13, 2007: On a motion to defer by Mr. Goodale, seconded by Mr. Allen, the variance was deferred by a vote of 6 to 0.

Reason: To allow the applicant time to explore design alternatives.

Speakers:

Kelly Organek, owner, made the presentation.

Staff **recommends denial** of the request because the applicants have not demonstrated a hardship.

If the Board decides to grant a variance, it should contain the conditions under the department comments. The variance must also be recorded with the deed of the property in the City's Land Records Office prior to the release of the building permit.

(insert sketch here)

I. Issue

The applicants propose to enlarge an existing covered front porch for the house at 100 East Oak Street. The existing porch is now located in the required front yard facing East Oak Street. The applicants wish to expand the existing front porch now facing East Oak Street and to also extend the new porch to face Wayne Street. The subject property is a corner lot. Both of the improvements will result in the new porch sections to be located in the required front yards facing East Oak Street and Wayne Street and within the vision clearance triangle.

Because the subject property is a corner lot and the proposed screen porch is located in the secondary front yard facing Wayne Street, the property cannot qualify for a special exception under the new open covered porch regulations.

II. Background

The subject property, a corner lot, is two lots of record with 50.00 feet of frontage facing East Oak Street, 100.00 feet of frontage facing Wayne Street and a lot area totaling 5,000 square feet. The property abuts a 12.50 feet wide public alley along the north property line. The subject property is a substandard lot where the minimum lot area required for a corner lot is 6,500 square feet.

The property is developed with a single-family frame dwelling with a rear one-story addition and covered open front porch located 15.50 feet from the front property line facing East Oak Street, 16.40 feet from the front property line facing Wayne Street, 24.20 feet from the north side property line and 4.90 feet from the east side property line. Real estate assessment records indicated the house was built in 1930.

The applicants propose to construct a second story above the existing rear addition and a two-story side addition in line with the front building wall facing Wayne Street. The new additions will comply with the R-2-5 side yard and prevailing front yard setback facing Wayne Street. The expanded front covered porch requires a variance to be located in the required secondary front yard facing Wayne Street and in the vision clearance triangle.

III. Description

The existing covered front porch will be expanded by 11.00 feet and 8.00 feet in depth and wrap around the west building wall facing Wayne Street. The new porch section facing Wayne Street measures 23.50 feet in length by 8.00 feet in depth by 12.50 feet in height from grade to the ridge line of the roof. The expanded porch totals approximately 276 square feet of new floor area. The expanded new porch will be located 15.50 feet from the front property line facing East Oak Street and 8.40 feet from the front property line facing Wayne Street.

The existing house and covered front covered open porch facing East Oak Street comply with the prevailing front setback facing East Oak Street and the west front wall of the

house complies with the prevailing front setback facing Wayne Street. However, the house is currently located in the vision clearance triangle at the intersection of Wayne Street and East Oak Street. (refer to attached survey). The zoning ordinance does not permit a structure taller than 3.50 feet to be placed in the vision clearance triangle. In this instance the expanded front porch will also be located in the vision clearance area. The applicants request a variance to build within the vision clearance triangle and to build within 8.40 feet of the front property line facing Wayne Street.

The applicants indicate the proposed porch design is in keeping with the architectural style of several nearby Craftsman-style homes. Both sets of neighbors have indicated their support to build the wrap around porch.

Upon completion of the new expanded porch and additions the property will continue to comply with the maximum floor area allowed.

IV. Master Plan/Zoning

The subject property is zoned R-2-5 and has been so zoned since 1951 and identified in the Potomac West Small Area Plan for residential land use.

V. Requested variance

Section 3-506(A) (1), Front Yard (Wayne Street):

The R-2-5 zone requires a front yard setback of 25.00 feet. The proposed expanded covered porch will be located 8.40 feet from the front property line facing Wayne Street. The applicant requests a variance of 16.60 feet.

Section 7-800(A), Vision Clearance:

In any residential zone for the purpose of safe vehicular travel there shall be no structure, fence or shrubbery taller than 3.50 feet above the curb level. The applicants' home is currently located in the vision clearance triangle at the intersection of East Oak Street and Wayne Street. The applicants request a variance to reduce the 100 feet vision clearance minimum requirement to 66.00, feet a reduction of 34.00 feet.

VI. Noncomplying structure

The existing building at 100 East Oak Street is a noncomplying structure with respect to the following:

	<u>Required</u>	<u>Provided</u>	<u>Noncompliance</u>
Side Yard (East)	7.00 ft	4.90 ft	2.10 ft
Vision Clearance	100 ft	79 ft +/-	21 ft

VII. Staff analysis under criteria of section 11-1103

To grant a variance, the Board of Zoning Appeals must determine that a unique characteristic exists for the property. Section 11-1103 of the zoning ordinance lists standards that an applicant must address and that the Board believes exists and thus warrants varying the zoning regulations.

- (1) The particular physical surroundings, shape, topographical condition or extraordinary situation or condition of the property that prohibits or unreasonably restricts the use of the property.
- (2) The property's condition is not applicable to other property within the same zoning classification.
- (3) Hardship produced by the zoning ordinance was not created by the property owner.
- (4) The granting of a variance will not be detrimental to the public or other property or the neighborhood in which the subject property is located. Nor will the granting of a variance diminish or impair the value of adjoining properties or the neighborhood.
- (5) The granting of the variance will not impair light and air to the adjacent property.
- (6) The granting of a variance will not alter the character of the area nor be detrimental to the adjacent property.
- (7) Strict application of the zoning ordinance will produce a hardship.
- (8) Such hardship is generally not shared by other properties in the same zone and vicinity.
- (9) No other remedy or relief exists to allow for the proposed improvement.
- (10) The property owner has explored all options to build without the need of a variance.

VIII. Applicant's Justification for Hardship

The applicants state that the zoning ordinance places an unreasonable restriction for a corner lot by imposing two front yards. A hardship exists because the existing house is closer to the front lot line than many other homes on Wayne Street.

XI. Staff Analysis

The property is a regularly shaped but substandard lot that is flat and no other physical or topographic constraints to improve the property without a variance. In fact, this corner

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property is similar to other corner lots within Del Ray and Rosemont. The zoning ordinance does not impose a hardship on the applicants for improvements to the lot. Although the existing house is now located in the vision clearance triangle, the expanded porch will not diminish further vehicular line of sight at the intersection of Wayne Street and East Oak Street.

The applicants could expand the existing porch slightly facing East Oak Street by only requesting a variance from the vision clearance setback. The porch will comply with the prevailing front setback facing East Oak Street and Wayne Street. The need for a wrap around porch does not constitute a hardship. The new porch facing Wayne Street will be placed within 8.40 feet of the front property line on Wayne Street, forever altering the block face on this side of Wayne Street. Strict application of the zoning ordinance does not prevent reasonable use of the property.

Staff recommends **denial** of the variance request.

DEPARTMENTAL COMMENTS

Legend: C - code requirement R - recommendation S - suggestion F - finding

* The applicant is advised that if the variance is approved the following additional comments apply.

Transportation and Environmental Services:

- F1 An approved Plot Plan may be required at the time of building permit application. Insufficient information has been provided to make that determination at this time. A Plot Plan will be required if construction of the proposed addition:
- Results in a new building footprint that exceeds the area of the existing building footprint by 100% or more.
 - Results in less than 50% of the existing first floor exterior walls, in their entirety, remaining. The walls must comprise the footprint of the existing building and shall be measured in linear feet. The remaining walls must remain as exterior walls. The definition of a first floor exterior wall is that it must have its finished floor surface entirely above grade.
 - Results in land disturbance associated with the project of 2,500 square feet or greater in area. The disturbed area will be determined by adding a minimum of 10' to the perimeter of the building (or addition) footprint and calculating the area within the increased perimeter. In addition, a 10 foot wide access path from the edge of the disturbed area to the street or paved driveway must be included in the disturbed area calculation. Provision must be made for stockpile, staging, dumpsters and material storage areas within the limits of disturbance.
 - Changes to existing grade elevation of 1-foot or greater.
 - Changes to existing drainage patterns. (TES)
- R1 The building permit plans shall comply with requirements of City Code Section 8-1-22 regarding the location of downspouts, foundation drains and sump pumps. Refer to Memorandum to Industry dated June 18, 2004. [Memorandum is available online at the City web site under Transportation\Engineering and Design\Memos to Industry.]. (TES)
- R2 Applicant shall be responsible for repairs to the adjacent city right-of-way if damaged during construction activity. (TES)

- R3 All improvements to the city right-of-way such as curbing, sidewalk, driveway aprons, etc. must be city standard design. (TES)
- R4 No permanent structure may be constructed over any existing private and/or public utility easements. It is the responsibility of the applicant to identify any and all existing easements on the plan. (TES)
- R5 An erosion and sediment control plan must be approved by T&ES prior to any land disturbing activity greater than 2,500 square feet. (TES)
- R6 Compliance with the provisions of Article XIII of the City's zoning ordinance for stormwater quality control is required for any land disturbing activity greater than 2,500 square feet. (TES)

Code Enforcement:

- C-1 Additions and alterations to the existing structure and/or installation and/or altering of equipment therein requires a building permit (USBC 108.1). Five sets of plans, bearing the signature and seal of a design professional registered in the Commonwealth of Virginia, must accompany the written application (USBC 109.1).
- C-2 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-3 Prior to the issuance of a demolition permit or land disturbance permit, a rodent abatement plan shall be submitted to Code Enforcement that will outline the steps that will taken to prevent the spread of rodents from the construction site to the surrounding community and sewers.
- C-4 Roof drainage systems must be installed so as neither to impact upon, nor cause erosion/damage to adjacent property.
- C-5 A soils report must be submitted with the building permit application.
- C-6 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-7 Construction permits are required for this project. Plans shall accompany the permit application that fully detail the construction as well as layouts and schematics of the mechanical, electrical, and plumbing systems.

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- C-8 Permission from adjacent property owners is required if access to the adjacent properties is required to complete the proposed construction. Otherwise, a plan shall be submitted to demonstrate the construction techniques utilized to keep construction solely on the referenced property.
- C-9 A wall location plat prepared by a land surveyor is required to be submitted to this office prior to requesting any framing inspection.

Recreation (Arborist):

- F-1 No trees are affected by this plan.

Historic Alexandria (Archaeology):

- F-1 There is low potential for significant archaeological resources to be disturbed by this project. No archaeological action is required.

Other Requirements Brought to the Applicant's Attention:

- C-1 A wall check survey plat shall be submitted to Planning and Zoning when the building footprint is in place, pursuant to Alexandria City Code section 8-1-12.